IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 23599 of 2006(H)

PETITIONER:

SARANGADHARAN,
KALARICKAMANNEL, ALUM PEEDIKA P.O.,
OACHIRA, KOLLAM.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY
SECRETARY, DEPARTMENT OF EXCISE,
KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER,
KOLLAM.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
KOLLAM.

5. MR. RAVEENDRAN,
MEENATHEL VADAKKATHIL, KALLALI BHAGAM P.O.,
KARUNAGAPPALLY, KOLLAM DISTRICT.

R5 BY ADV. SRI.C.C.THOMAS
R1 TO R4 BY GOVERNMENT PLEADER SMT. R. BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/01/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF F.I.R. NO. 1127/05 DATED 26.11.2005 OF KARUNAGAPPALLY POLICE STATION.

EXT.P2 TRUE COPY OF JUDGMENT IN WPC 36144 OF 2005 DATED 27.1.2006 BEFORE THE HONOURABLE HIGH COURT OF KERALA.

EXT.P3 TRUE COPY OF JUDGMENT IN WPC 633 OF 2006 DATED 27.1.2006 BEFORE THE HON'BLE HIGH COURT OF KERALA.

EXT.P4 TRUE COPY OF ORDER NO. 04-8656/05 DATED 29.3.2006 PASSED BY THE THIRD RESPONDENT.

EXT.P5 TRUE COPY OF JUDGMENT IN WPC 10239 OF 2006 DATED 5.4.2006 BEFORE THE HONOURABLE HIGH COURT OF KERALA.

EXT.P6 TRUE COPY OF JUDGMENT IN WPC 12807 OF 2006 DATED 22.5.2006 BEFORE THE HONOURABLE HIGH COURT OF KERALA.

EXT.P7 TRUE COPY OF REPORT SUBMITTED BY THE 4TH RESPONDENT BEFORE THE JFCM COURT, KARUNAGAPPALLY, KOLLAM DATED 25.7.2006

EXT.P8 TRUE COPY OF REPRESENTATION FROM THE PETITIONER TO THE THIRD RESPONDENT.

5TH RESPONDENT'S EXHIBITS:

EXT.R5(a) PHOTOCOPY OF THE JUDGMENT DATED 3.10.2005 IN WPC 9388 OF 2005 PASSED BY THIS HON'BLE COURT.

EXT.R5(b) PHOTOCOPY OF THE ORDER, G.O. (Rt)NO. 391/06/TD DATED 30.6.2006 PASSED BY THE SECRETARY, TAXES (G) DEPARTMENT.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 23599 OF 2006

Dated this the 31st day of January, 2007

JUDGMENT

Toddy shop licence issued to the petitioner was cancelled on account of his inclusion as an accused in the FIR filed by the police for abkari offence. Consequent cancellation of petitioner's licence petitioner was ineligible for renewal of licence. Licence for current year was accordingly given to the fifth respondent who got it on competitive bids. Petitioner's case is that in the final report petitioner does not figure as an accused and therefore cancellation of licence was illegal. In any case, licence held was for the year 2005-06 and for the subsequent year, petitioner did not have licence. Since petitioner is now eligible to apply for licence, it is for him to apply for licence for next year and petitioner's application will be considered based on Abkari Policy for the year 2007-08.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge